

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2047

 Session of
2005

INTRODUCED BY GODSHALL, THOMAS, DeWEESE, BOYD, BUNT, CAPPELLI,
CRAHALLA, DeLUCA, FRANKEL, GEIST, GERGELY, GINGRICH, GOODMAN,
O'NEILL, QUIGLEY, SHANER, STABACK, HARPER, YOUNGBLOOD,
REICHLEY, TRUE AND MELIO, OCTOBER 17, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 23, 2006

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sentences for offenses committed with firearms.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 9712(a) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9712. Sentences for offenses committed with firearms.

9 (a) Mandatory sentence.--Except as provided under section
10 9716 (relating to two or more mandatory minimum sentences
11 applicable), any person who is convicted in any court of this
12 Commonwealth of a crime of violence as defined in section
13 9714(g) (relating to sentences for second and subsequent
14 offenses), shall[, if]:

15 ~~(1) If the person visibly possessed a firearm or a~~ <—

16 ~~(1) BE SENTENCED, NOTWITHSTANDING ANY OTHER PROVISION OF~~ <—

17 ~~THIS TITLE OR OTHER STATUTE TO THE CONTRARY, TO A MINIMUM~~

1 SENTENCE OF AT LEAST FIVE YEARS OF TOTAL CONFINEMENT, IF THE
2 PERSON VISIBLY POSSESSED A FIREARM OR A replica of a firearm,
3 whether or not the firearm or replica was loaded or
4 functional, that placed the victim in reasonable fear of
5 death or serious bodily injury, during the commission of the
6 offense. [, be sentenced to a minimum sentence of at least <—
7 five years of total confinement notwithstanding any other
8 provision of this title or other statute to the contrary.] <—

9 ~~(2) If the person used a firearm in the commission of~~ <—
10 ~~the offense that was stolen or discharged a firearm during~~
11 ~~the commission of the offense, be sentenced to a minimum~~
12 ~~sentence of at least seven years of total confinement.~~

13 (2) BE SENTENCED, NOTWITHSTANDING ANY OTHER PROVISION OF <—
14 THIS TITLE OR OTHER STATUTE TO THE CONTRARY, TO A MINIMUM
15 SENTENCE OF AT LEAST SEVEN YEARS OF TOTAL CONFINEMENT, IF THE
16 PERSON:

17 (I) DISCHARGED A FIREARM DURING THE COMMISSION OF
18 THE OFFENSE; OR

19 (II) DURING THE COMMISSION OF THE OFFENSE, VISIBLY
20 POSSESSED A FIREARM THAT THE PERSON KNEW OR HAD REASON TO
21 KNOW WAS STOLEN OR HAD BEEN SOLD, DELIVERED OR
22 TRANSFERRED IN VIOLATION OF 18 PA.C.S. § 6111 (RELATING
23 TO SALE OR TRANSFER OF FIREARMS).

24 Such persons shall not be eligible for parole, probation, work
25 release or furlough.

26 * * *

27 Section 2. This act shall take effect in 60 days.